



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,618	02/20/2004	Christopher Daniel Russo	50T5705.02	7223

7590 09/07/2005

ROGITZ & ASSOCIATES
Suite 3120
750 B Street
San Diego, CA 92101

EXAMINER

LUONG, SHIAN TINH NHAN

ART UNIT	PAPER NUMBER
----------	--------------

3728

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

7/26

Office Action Summary

Application No.

10/783,618

Applicant(s)

RUSSO, CHRISTOPHER DANIEL

Examiner

Shian T. Luong

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

1. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase in claim 1, “the accessory support defines at least in part a parallelepiped shaped enclosure” and the phrase “the documentation support defines at least in part a parallelepiped shaped enclosure” are inaccurate. The parallelepiped shaped enclosure is formed by the bottom panel and the accessory support or documentation support.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12,15,21 are rejected under 35 U.S.C. 102(b) as being anticipated by Virvo.

Virvo discloses a flat bottom panel that forms a bottom wall, at least one accessory support 12 movable between a storage configuration, wherein the accessory support is substantially flat against the bottom panel, and a component holding configuration, wherein the accessory support defines at least in part a first enclosure, and at least one documentation support 12 movable between a storage configuration, wherein the documentation support is substantially flat against the bottom panel, and a component holding configuration, wherein the documentation support defines at least in part a second enclosure, the supports sharing a common bottom wall in the component holding configuration. The bottom panel is being coplanar with the back wall panel in the storage configuration.

Art Unit: 3728

3. Claims 12,15-17,21,24,25 are rejected under 35 U.S.C. 102(b) as being anticipated by Levi (US 3,368,735). Levi discloses a flat bottom panel p4 that forms a bottom wall, at least one accessory support 20 movable between a storage configuration, wherein the accessory support is substantially flat against the bottom panel, and a component holding configuration, wherein the accessory support defines at least in part a first enclosure, and at least one documentation support 20 movable between a storage configuration, wherein the documentation support is substantially flat against the bottom panel, and a component holding configuration, wherein the documentation support defines at least in part a second enclosure, the supports sharing a common bottom wall and back wall in the component holding configuration. The bottom panel is being coplanar with the back wall panel in the storage configuration. At least one hole is formed in the top wall and a slit is formed between the top wall and side wall.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,3,5,13,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Virvo in view of Official Notice. Virvo discloses a flat bottom panel that forms a bottom wall, at least one accessory support 12 movable between a storage configuration, wherein the accessory support is substantially flat against the bottom panel, and a component holding configuration, wherein the accessory support defines at least in part a first enclosure, and at least one

Art Unit: 3728

documentation support 12 movable between a storage configuration, wherein the documentation support is substantially flat against the bottom panel, and a component holding configuration, wherein the documentation support defines at least in part a second enclosure, the supports sharing a common bottom wall in the component holding configuration. The bottom panel is being coplanar with the back wall panel in the storage configuration. The compartments are of different size. Virvo also does not limit to any size or shape that the container may come in (column 9, line 38). Hence, the shape of the support may come in different shape and sizes, even one with a shorter length.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 1, further in view of Newman et al. (US 6,359,777).

Newman is cited to show any components may be stored within the support such as a battery 12.

7. Claims 1,3,5,6,7,13,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levi in view of Official Notice. Levi discloses a flat bottom panel that forms a bottom wall, at least one accessory support 20 movable between a storage configuration, wherein the accessory support is substantially flat against the bottom panel, and a component holding configuration, wherein the accessory support defines at least in part a first enclosure, and at least one documentation support 12 movable between a storage configuration, wherein the documentation support is substantially flat against the bottom panel, and a component holding configuration, wherein the documentation support defines at least in part a second enclosure, the supports sharing a common bottom wall in the component holding configuration. The bottom panel is being coplanar with the back wall panel in the storage configuration. Levi does not disclose compartments of different size. However, it is conventional to provide compartments of

Art Unit: 3728

different size and shape. Hence, it would have been obvious in view of Official Notice to provide different size compartment since any size compartment would work equally well.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 1, further in view of Newman et al. (US 6,359,777).

Newman is cited to show any components may be stored within the support such as a battery 12.

Allowable Subject Matter

9. Claims 2,8-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claims 14,18-20,23,26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08.

Art Unit: 3728

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Erica Miller at (571) 272-4370. For applicant's convenience, the official FAX number is (571) 273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted. Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (571) 272-4557. The examiner can normally be reached on M-H from 7:00am to 4:00pm EST.

STL

September 4, 2005



Primary Examiner

Shian Luong

Art Unit 3728